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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,334	07/30/2001	Frank S. Yuan	17059-1	4466
<div>23676      7590      03/07/2008</div> <div>SHELDON MAK ROSE &amp; ANDERSON PC</div> <div>100 East Corson Street</div> <div>Third Floor</div> <div>PASADENA, CA 91103-3842</div>				
			EXAMINER	
			GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			03/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/918,334

### Applicant(s)

YUAN, FRANK S.

### Examiner

CLEMENT B. GRAHAM

### Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-39, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-39, 41-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-19, 21-39, 41-42 remained pending.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 21-39, 41-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the Wireless Commerce Ltd international application (Hereinafter WCL, WO 00/22907) in view of Applicant's disclosure.

As per claim 1-19, WCL reference discloses a system for providing a sales transaction of goods or services between a buyer and a seller the system comprising: a coordinator("CPO Management sys")) that receives a first purchase order from the buyer (see column 6 lines 19-51) that issues a second purchase order to the seller based on the first purchase order, that receives an invoice from the seller based on the second purchase order, and that assumes title in the invoice (see page 1 lines 20-37 and page 8, lines 16-26 and claims 1, 3, 4, 5, 12, 19, 21, 22, 23, 32, 35, & 40-44) and a bank that advances or loans at least a portion of the invoice to the seller based on the guarantee from the financial institution.(see page 3 lines 1-6 use of credit (loan) or debit (no loan) account).

WCL reference fail to explicitly teach a financial institution that receives an interest in the invoice from the coordinator, and that guarantees the buyer's payment.

However this is taught by the Applicant as disclosed in the Background Of The Invention section of the specification of the present invention and is admitted prior art.

The specification states on page 9, lines 17-22 and page 10 lines 1-2).

"Financial institutions have been used in connection with the sale of goods and services for some time. For example, if the seller meets certain qualifications, the seller may enter into an agreement with a financial institution whereby the financial institution will guarantee the buyer's credit worthiness or payment to the seller for goods sold. To this

end, the financial institution may advance some or all of the payment to the seller and then go about collecting the account receivable from the buyer. In return, the financial institution typically receives a commission or some other fee from the seller. " [emphasis added].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the WCL reference to include the teaching from the Applicant's background section so as to ensure payment on the sale and avoid difficulty in collecting payment from the buyer.

Therefore it would have been obvious to one of ordinary skill in the art to modify the WCL reference to include the teachings of the Applicant's background information with regard to a financial institution that receives an interest in the invoice from the coordinator, and that guarantees the buyer's payment, this is their incentive for providing the service, to generate a profit.

As per claim 2-39, 41-42, WCL reference discloses a method for a coordinator to provide a sales transaction of goods or services between a buyer and a seller(see column 5 lines 55-67 and column 6 lines 1-22 and column 7-10 lines 1-67)

the method comprising:

receiving a first purchase order from the buyer to the ; transmitting a second purchase order from the coordinator to the seller based on the first purchase order;

receiving an invoice from the seller based on the second purchase order, wherein the coordinator assumes title in the invoice(see page 1 lines 20-37 and page 8, lines 16-26 and claims 1, 3, 4, 5, 12, 19, 21, 22, 23, 32, 35, & 40-44) and

advancing or loaning at least a portion of the invoice by the bank to guarantee payment to bank and allowing the bank to advance at least a portion of the invoice to the seller based on the guarantee from the seller from the financial institution.(see page 3 lines 1-6 use of credit (loan) or debit (no loan) account).

WCL reference fail to explicitly teach assigning an interest in the invoice to a financial institution, thereby allowing the financial institution to a bank.

However this is taught by the Applicant as disclosed in the Background Of The Invention section of the specification of the present invention and is admitted prior art.

The specification states on page 9, lines 17-22 and page 10 lines 1-2).

"Financial institutions have been used in connection with the sale of goods and services for some time. For example, if the seller meets certain qualifications, the seller may enter into an agreement with a financial institution whereby the financial institution will guarantee the buyer's credit worthiness or payment to the seller for goods sold. To this end, the financial institution may advance some or all of the payment to the seller and then go about collecting the account receivable from the buyer. In return, the financial institution typically receives a commission or some other fee from the seller. " [emphasis added].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the WCL reference to include the teaching from the Applicant's background section so as to ensure payment on the sale and avoid difficulty in collecting payment from the buyer.

Therefore it would have been obvious to one of ordinary skill in the art to modify the WCL reference to include assigning an interest in the invoice to a financial institution, thereby allowing the financial institution to a bank, this is their incentive for providing the service, to generate a profit.

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

3. Applicants filed 11/14/07 has been fully considered but they are moot in view of new grounds of rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


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CG

Feb 12, 2008

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*AU 3692*